

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

SPARTAN CONCRETE PRODUCTS, LLC,)	
)	
Plaintiff,)	
)	CASE NUMBER
vs.)	
)	3:15-cv-00004
ARGOS USVI CORP,)	
f/k/a Capricement USVI Corp,)	
)	
Defendant.)	
_____)	

REPORTER'S TRANSCRIPT

BENCH TRIAL

Monday, July 17, 2017 - A.M. Session

BEFORE: THE HONORABLE CURTIS V. GOMEZ
District Judge

APPEARANCES: CHRISTOPHER A. KROBLIN, ESQ.
MARJORIE B. WHALEN, ESQ.
Kellerhals Ferguson Kroblin, PLLC
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St. Thomas, VI 00802

For the Plaintiff

CASEY ERIN LUCIER, ESQ.
HOWARD FELLER, ESQ.
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Richmond, VA 23219

COURT REPORTER: CHANDRA R. KEAN, RMR
Official Court Reporter
Virgin Islands District Court
St. Thomas, Virgin Islands

1 A. Yes.

2 Q. Doug Gurlea -- the third paragraph of this document
3 empowers Doug Gurlea to carry out the authorization
4 reflected in this document; is that correct?

5 A. Yes.

6 Q. And the instructions to Doug Gurlea are that he
7 should enter into both the agreement with Spartan with
8 respect to both St. Thomas and St. Croix; is that
9 correct?

10 A. Yes.

11 Q. And Doug Gurlea did, in fact, carry out the
12 authorization granted to him in this resolution; is that
13 correct?

14 A. Yes.

15 MS. LUCIER: I'd like to show the witness Trial
16 Exhibit 92, please.

17 (Trial Exhibit 92 marked for identification.)

18 BY MS. LUCIER:

19 Q. Do you recognize this document?

20 A. Yes.

21 Q. What is it?

22 A. It's an e-mail from myself to Doug Gurlea.

23 MS. LUCIER: I move the admission of Trial
24 Exhibit 92.

25 MR. KROBLIN: No objection, Your Honor.

1 THE COURT: Okay. What's it about?

2 THE WITNESS: It's a, an e-mail from myself to
3 Doug, a draft, giving his approval to send out this
4 e-mail to an export customer in the British Virgin
5 Islands.

6 THE COURT: Okay. 92 is admitted.

7 (Trial Exhibit 92 admitted in evidence.)

8 BY MS. LUCIER:

9 Q. This e-mail is directed to Doug Gurlea, but the
10 contents of the e-mail included drafts message that you
11 were planning to send to your customer, Nervin; is that
12 correct?

13 A. Correct.

14 Q. And Nervin is the customer you referred to in the
15 British Virgin Islands; is that correct?

16 A. Correct.

17 Q. You write, "Good morning, Nervin. I wanted to let
18 you know what is going on over here."

19 When you mean "going on over" -- when you wrote
20 "going on over here," you were referring to the US
21 Virgin Islands; is that correct?

22 A. Yes.

23 Q. You then write, "This past week Spartan Concrete
24 and Heavy Materials reached an agreement in order to
25 split up the concrete markets in St. Thomas and St.

1 Croix."

2 You were writing this in your draft e-mail to
3 Nervin because that was, in fact, what had happened; is
4 that correct?

5 A. At the time I wasn't sure of what was going on. I
6 mean, this was -- I heard rumors. That's why I was
7 referring this to Doug for review.

8 Q. You go on to write, "Right now Spartan has pulled
9 out of the concrete business in St. Thomas and, in turn,
10 Heavy Materials has pulled out of the concrete market in
11 St. Croix."

12 You were writing that because that was, in fact,
13 what had happened; is that correct?

14 A. Yes.

15 Q. After these events in December of 2013, there was
16 an increase of prices for ready-mix concrete on St.
17 Croix; is that correct?

18 A. Yes.

19 Q. In December of 2013 prices were at their lowest
20 point as a result of the price war; is that correct?

21 A. I believe so, yes.

22 Q. That was true for both islands, on St. Croix as
23 well as St. Thomas; is that correct?

24 A. Yes.

25 Q. After December 2013, there was only one supplier of